

Elections – Lacunae and Remedies

POINT TO DEVELOP 1. Indian democracy under the shadow of electoral malpractices.

Criminalisation of politics and elections.

practices of rigging and booth- capturing.

4. Elections have become too costly.

5. Communal considerations in elections are common.

Elections do not show clear majority.

Electoral malpractice criticised.

Need for reform underlined.

Remedies suggested.

Conclusion.

India is known to be a democratic republic but there are far too many ugly spots in the Indian polity. Elections from the base of any democratic set-up, and if the electoral process becomes anomalous and maligned, the whole edifice of democracy will get infected and crumble. Unfortunately, elections infested with all sorts of anomalies and maladies have become common in India. One may even go further and call India 'a functioning anarchy' rather than a democratic republic. Many people fear that the anarchic element has multiplied to such an extent that democracy might soon find it impossible to function in accordance with the rules of the concept. Despite the preventive measures taken such as posting security personnel, para-military forces and other armed units, electoral malpractices like booth capturing, rigging, impersonation and bogus voting are common. All these prompted one Chief Election Commissioner to remark that judging from recent events, it would seem that the country would have to live with electoral malpractices for a long time.

To begin with, it has become commonplace to fret about the links between politics and organised crime. The truth, however, is much more bitter. The very nature of these links has changed in recent years. In the past, criminals were content to supply funds and muscle power to politicians in return for some guarantees about their security. The criminals would be left free to commit their crimes without inviting the attention of the law. Now the crime lords have become VIPs: a new culture has developed on the basis of the gun and the bomb. The

criminals have come out into the open, freely contesting elections and, in Parliament. From the criminalisation of politics we have moved to the politicisation of crime. One can imagine situation when criminals are entitled to legislate for the land.

There are many cases of voter intimidation, rigging and both capturing. Fear and panic are spread because of the hired goondas and gangsters. Voting amidst fear and panic can by no means be regarded as fair and free. Elections become a farce, and democracy, a mockery. There has been much progress lately in the technique and methods of rigging the polls. There are cases where a group of toughs and musclemen backing a particular candidate do not permit, or scare away, the poll agents of the rival parties or stuff the boxes with seized voting papers marked in favour of the favoured candidate. In many such cases, the election officers and their staff are forced to quit the polling booth or watch the scene quietly under the threat of the gun. Often the goondas swoop down on a polling booth and prevent bona fide voters from entering a booth. How can elections thus conducted be regarded as reflecting a fair verdict of the people in favour of or against a political party?

The present cost of elections in India does not offer equal opportunities to all the citizens to fight elections. The roaring election expenditure virtually queers the pitch for candidates having limited resources. The well-off individuals and political parties having ample financial resources of whatever colour have bright prospects of getting elected.

Among the glaring defects in the Indian electoral system is the loophole which enables a candidate to spend tons of money on his or her election without a true and full-verified statement of accounts. It has been said that an elected member of Parliament begins his parliamentary career by committing an act of perjury. He swears under oath that he has not spent a paisa over and above the ceiling. It is well-known that this sum is small even for a university election these days. The result is that people commanding fat purses themselves, or enjoying the support of rich businessmen, profiteers, smugglers and black marketers, alone can afford to contest elections, especially from the large, sprawling Lok Sabha constituencies. State funding of elections and payments by cheque are some of the suggestions which have been aired from time to time. But from all accounts, there are no takers for such pious suggestions.

Elections are fought and won on the basis of caste and religion. Everyone ignores the devastating impact that the exploitation of casteist and religious feelings has had on the political system. In such elections, the interests of the nation and the society on the whole are altogether ignored. But here again the debate has been skewed. To expect caste and religion to be wholly absent in a

profoundly caste and religion – ridden society is to hope for the impossible. However, this should not preclude efforts to keep caste and religion to a restricted domain. A new law makes no sense whatsoever when the ones that exist in the statute book are not being implemented. Indeed, recent trends point to a multiplication of parties on the basis of caste , religion or linguistic region.

A major lacuna in our electoral system has been that the electoral verdict is not effectively mirrored in the composition of the legislature. The first – past –the – post system which is followed at present is largely responsible for this. It permits a candidate to win an election from a constituency merely because he/she polls the highest number of votes. The fact that the winning candidate may have secured only a small percentage of the total votes polled in the constituency remains of marginal electoral significance. As a result, the present electoral system has resulted in an alarming and disproportionate gap between the percentage of votes polled and the percentage of seats won by the various political parties. In all the general elections held so far, on no occasion has the party that assumed power after the elections polled more than 48 per cent (1984) of the votes. But the percentages of seats won by the ruling party was significantly much higher. When viewed from the angle of individual candidates elected, a significant number of victors have secured less than 50 per cent of the valid votes. This is primarily due to the multi- cornered contests witnessed in most of the constituencies . These multi – cornered contests are caused by the sharp increases in the number of contestants- both party sponsored and independents .

In the end, what matters really is whether the political class can rid the system of its flaws erode the spirit to the only thing that keeps the nation and the people in one piece, i.e., our republican Constitution. Once the constitution becomes a dead letter(it appears so during the elections) then the institutions it has spawned lose their legitimacy. Then we may as well bid adieu to the independence we so laboriously won in 1947.

The distinct deterioration in and enfeeblement of democracy have become the subject of adverse comment almost all over the country and abroad. Various committees and commissions have been constituted from time to time to suggest reforms and eminently practicable electoral packages have also been presented by the Election Commissions, but for one reason or the other the suggestions have not been implemented. Some of the common suggestions are : firm action against the defaulters and offenders at the hustings : propagation of the sound principles underlying the concept of election and fair play; reform of the electoral system so as to make it more equitable and less expensive; elimination of the use of black money; all – out measures to end the nexus between criminals and

politicians; neutral and efficient administration during the elections; deterrent punishment to those who indulge in malpractices.

It needs to be emphasised here that if the process of electoral reforms is to be meaningful, it must involve a comprehensive overhaul of the multitrack dimensions of the electoral system. These reforms should, among other things take a second look at the electoral process itself and examine alternative systems of representation, restructure the election machinery, and formulate a comprehensive election code. At the micro-level we can also contemplate the following measures: introduction of electronic counting machines; issuance of identity cards to check impersonation; compulsory registration of political parties compulsory maintenance audit through the medium of the Auditor- General once in two years at least. Some of these measures have already been adopted. One may also make internal democracy and elections within political parties a condition of registration. elections could be held every four years instead to five. And could we not make the parties abide by their manifestoes? Above all, persons with criminal records should be disqualified from being candidates.

Given the colossal crisis that our election system is facing today, there is need for a deep determination, both among the politicians and the people, to erase the malaise. There could be a standard to measure an individual's or a group's patriotic feelings. More legislation as in other cases, may not do. As a prelude, we have to learn to cherish and preserve the culture of democracy; it may be slow and time consuming but it is what will; ultimately preserve the fresh air which will allow us to breathe and think